

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:

LOUIS BERNARD GREGOIRE, III and
MELANIE RENEE GREGOIRE,

DEBTORS

CHAPTER 13
CASE NO. 11-74179-BEM

NOTICE OF MOTION

LOUIS BERNARD GREGOIRE, III and MELANIE RENEE GREGOIRE have filed papers with the Court seeking to retain insurance proceeds.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to approve the Motion or if you want the Court to consider your views on the Motion then you or your attorney must:

Attend the hearing scheduled to be held on **September 9, 2014 at 1:00 PM** in **Courtroom 1402, Richard Russell Federal Building, 75 Spring Street, SW, Atlanta, Georgia.**

This 11th day of August, 2014.

Respectfully submitted,
JEFF FIELD & ASSOCIATES

/s/ Matthew T. Nash

MATTHEW T. NASH
Attorney for Debtors
State Bar No. 306591

342 North Clarendon Avenue
Scottdale, Georgia 30079
404-499-2700

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:

LOUIS BERNARD GREGOIRE, III and
MELANIE RENEE GREGOIRE,

CHAPTER 13
CASE NO. 11-74179-BEM

DEBTORS

MOTION TO RETAIN INSURANCE PROCEEDS

Come now the above Debtors, LOUIS BERNARD GREGOIRE, III and MELANIE RENEE GREGOIRE, by and through counsel, and show to this Honorable Court the following:

1.

Debtors filed this case on August 22, 2011. The case was confirmed on February 1, 2012. Payments pursuant to the Chapter 13 Plan are current and being made in the amount of \$1,440.00 per month.

2.

On or about May 4, 2014, Louis Bernard Gregoire, III was involved in an accident involving the 2009 Harley Davidson. The motorcycle has been "totaled" by GEICO and GEICO has offered settlement in an amount of \$13,628.63. See May 23, 2014 letter from GEICO General Insurance Company attached hereto as Exhibit "A".

3.

From the settlement proceeds, the approximate amount of \$2,500.00 will be paid to United Community Bank in full satisfaction of its claim.

4.

Debtor desires to retain the remaining funds in the approximate amount of \$11,128.63 in order to purchase a replacement motorcycle.

5.

Debtor is a police officer/pilot and relies on part-time work as a funeral escort. A replacement motorcycle is needed so that Debtor may return to earning part-time income. Debtors believe that the retention and use of the remaining settlement proceeds to purchase a replacement motorcycle is necessary to facilitate the adjustment of their debts in this case.

6.

Debtors understand that they are not allowed to incur any debt to purchase a replacement vehicle.

7.

The parties in interest understand that no disbursements are to be made to any party until an Order on this Motion is entered by the Court.

WHEREFORE, Debtors respectfully request that that their Motion to Retain Insurance Proceeds be granted.

This 11th day of August, 2014.

Respectfully submitted,
JEFF FIELD & ASSOCIATES

/s/ Matthew T. Nash

MATTHEW T. NASH
Attorney for Debtors
State Bar No. 306591

342 North Clarendon Avenue
Scottdale, Georgia 30079
404-499-2700

EXHIBIT A



Government Employees Insurance Company
■ GEICO General Insurance Company
■ GEICO Indemnity Company
■ GEICO Casualty Company

Regional Office:
PO Box 13528 ■ Macon, GA 31208

May 23, 2014

Louis Gregoire
111 Towler Rd
Lawrenceville, GA 30046-4719

Claim Number: 0493482880101013
Year and Make: 2009 HARLEY DAVIDSON
VIN: 1HD1FMM189Y625689
Date of Loss: 05/04/2014
Company Name: GEICO General Insurance Company

Dear Louis Gregoire:

Please read these instructions prior to completing the paperwork. Failure to follow instructions may result in a delay in processing your claim.

1. All parties listed on the original title must sign their name (exactly how it appears on the title first, middle, and last name format).
2. Please be advised that this form is required to be notarized.
3. Any strikeouts, erasures, or use of "white out" will void documents and/or title.
4. Please return the completed original documents along with all keys/remotes that are still in your possession to one of the addresses below.

Regular Mailing Address:
GEICO Salvage Total Loss Department
Attn: 0493482880101013
P.O. Box 13528
Macon, GA 31208

Overnight (only) Mailing Address:
GEICO Salvage Total Loss Department
Attn: 0493482880101013
4400 Ocmulgee East Blvd.
Macon, GA 31217

If you have any questions, please feel free to contact us at 1-800-691-4312, Monday through Friday 8am to 9pm EST.

Sincerely,

Leah Hutchinson
Salvage/Total Loss Technician
1-800-691-4312

To make changes to your policy or for a FREE rate quote please visit www.geico.com.

CERTIFICATE OF SERVICE

I hereby certify that I have this day mailed a true and exact copy of the foregoing "Notice of Hearing" and "Motion" to the following:

Mary Ida Townson – Via Electronic Service
Suite 2200
191 Peachtree Street, NE
Atlanta, Georgia 30303

Louis B ernard Gregoire, III
Melanie Renee Gregoire
111 Towler Road
Lawrenceville, Georgia 30046

Leah Hutchinson, Salvage/Total Loss Technician
GEICO General Insurance Company
Regional Office
P.O. Box 13528
Macon, Georgia 31208

Terrie Sparks
United Community Bank
P.O. Box 398
Blairsville, Georgia 30514

Ron C. Bingham, II
Stites & Harbison, PLLC
303 Peachtree Street, NE
2800 SunTrust Plaza
Atlanta, Georgia 30308

All Creditors on Attached Mailing Matrix

by placing a copy of same in a properly addressed envelope with sufficient postage affixed thereon to insure delivery and depositing same in the United States Mail.

This 11th day of August, 2014.

Respectfully submitted,
JEFF FIELD & ASSOCIATES

/s/ Matthew T. Nash

MATTHEW T. NASH
Attorney for Debtors
State Bar No. 306591

342 North Clarendon Avenue
Scottdale, Georgia 30079
404-499-2700

Label Matrix for local noticing

113E-1

Case 11-74179-bem

Northern District of Georgia

Atlanta

Fri Aug 8 13:58:18 EDT 2014

Ally

P.O. Box 380901

Bloomington, MN 55438-0901

(p)AMERICAN HONDA FINANCE

P O BOX 168088

IRVING TX 75016-8088

Allied Collection

8600 Pendergrass Road

Hoschton, GA 30548-2300

Ally Financial Inc. f/k/a GMAC Inc.

Bankruptcy Dept

P.O. Box 130424

Roseville, MN 55113-0004

Athens Regional Medical Center

1199 Prince AVenue

Athens, GA 30606-2767

(p)BB AND T

PO BOX 1847

WILSON NC 27894-1847

Bank of America

P.O. Box 17054

Wilmington, DE 19850-7054

Patti H. Bass

Bass & Associates, PC

Suite 200

3936 E. Ft. Lowell Road

Tucson, AZ 85712-1083

CANDICA, LLC

C O WEINSTEIN AND RILEY, PS

2001 WESTERN AVENUE, STE 400

SEATTLE, WA 98121-3132

Capio Partners LLC

Quantum3 Group LLC

PO Box 788

Kirkland, WA 98083-0788

Capital One Bank USA, N.A.

P.O. Box 30281

Salt Lake City, UT 84130-0281

Capital One, N.A.

Bass & Associates, P.C.

3936 E. Ft. Lowell Rd, Suite 200

Tucson, AZ 85712-1083

Capital One,N.A

c/o Creditors Bankruptcy Service

P O Box 740933

Dallas,Tx 75374-0933

Chase Home Finance, LLC

3415 Vision Dr.

Columbus, OH 43219-6009

Collection Services of Athens, Inc.

P.O. Box 8048

Athens, GA 30603-8048

Computer Credit, Inc.

P.O. Box 5238

Winston-Salem, NC 27113-5238

FHA/HUD

Five Points Plaza

40 Marietta St.

Atlanta, GA 30303-2812

R. Jeffrey Field

R. Jeffrey Field & Associates

342 N. Clarendon Avenue

Scottdale, GA 30079-1320

Will B. Geer

Stites & Harbison, PLLC

303 Peachtree Street NE

2800 Suntrust Plaza

Atlanta, GA 30308

(p)GEORGIA DEPARTMENT OF REVENUE

COMPLIANCE DIVISION

ARCS BANKRUPTCY

1800 CENTURY BLVD NE SUITE 9100

ATLANTA GA 30345-3202

Louis Bernard Gregoire III

111 Towler Road

Lawrenceville, GA 30046-4719

Melanie Renee Gregoire

111 Towler Road

Lawrenceville, GA 30046-4719

HSBC

P.O. Box 15521

Wilmington, DE 19850-5521

HSBC Bank Nevada, N.A.

Bass & Associates, P.C.

3936 E. Ft. Lowell Rd, Suite 200

Tucson, AZ 85712-1083

(p) INTERNAL REVENUE SERVICE

CENTRALIZED INSOLVENCY OPERATIONS

PO BOX 7346

PHILADELPHIA PA 19101-7346

Internal Revenue Service

P.O. Box 7346

Philadelphia, PA 19101-7346

Internal Revenue Svc./Insolvency Unit

401 W. Peachtree St., NW

Room 400, Stop 334-D

Atlanta, GA 30308

A. Michelle Hart Ippoliti

McCalla Raymer, et al

1544 Old Alabama Road

Roswell, GA 30076-2102

JC Penney/GEMB

Bankruptcy Dept.

P.O. Box 103104

Roswell, GA 30076-9104

JPMorgan Chase Bank NA/Chase Home Finance LL
c/o McCalla Raymer, LLC
Bankruptcy Department
1544 Old Alabama Road
Roswell, GA 30076-2102

JPMorgan Chase Bank, National Association, s
Bankruptcy Department
P.O. Box 182106
Columbus, OH 43218-2106

Judith Gregoire
1725 Millhaven Cove Court
Lawrenceville, GA 30043-2799

Judith Lynn Davis
c/o Attorney R. Jeffrey Field & Assoc.
342 N. Claendon Avenue
Scottsdale, GA 30079-1320

Kohl's
P.O. Box 3043
Milwaukee, WI 53201-3043

LINDIA, LLC
C O WEINSTEIN AND RILEY, PS
2001 WESTERN AVENUE, STE 400
SEATTLE, WA 98121-3132

Office of Chief Counsel
401 W. Peachtree St., NE
Room 1400-Stop 1400
Atlanta, GA 30308-3510

Paragon Revenue Group
P.O. Box 127
Concord, NC 28026-0127

(p) PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Quantum3 Group LLC as agent for
Capio Partners LLC
PO Box 788
Kirkland, WA 98083-0788

The Home Depot
P.O. Box 6497
Sioux Falls, SD 57117-6497

The Roth Firm, LLC
950 East Paces Ferry Road
Suite 1650
Atlanta, GA 30326-1302

Thurbert Baker
Attorney General of GA
132 State Judicial Bldg.
Atlanta, GA 30334

Mary Ida Townson
Chapter 13 Trustee
Suite 2200
191 Peachtree Street, NE
Atlanta, GA 30303-1770

U. S. Attorney
600 Richard B. Russell Bldg.
75 Spring Street, SW
Atlanta GA 30303-3315

U.S. Atty. Gen./IRS/Dept. of Justice
Tax Div./P.O. Box 14198, Ben Frank.
St., Civil Trial Sec./S. Region
Washington, DC 20044

U.S. Atty./North. Dist. of GA
401 W. P'tree St., NW
Suite 1400, Stop 1000-D
Atlanta, GA 30308-3513

United Community Bank
c/o Stites & Harbison, PLLC
303 Peachtree Street, NE
2800 SunTrust Plaza
Atlanta, GA 30308

United Community Bank
635 Whitlock Avenue
Marietta, GA 30064-3119

United Community Bank
c/o Terrie Sparks
P.O. Box 398
Blairsville, Georgia 30514-0398

Veterans Administration
1700 Clairmont Rd.
Decatur, GA 30033-4032

WELLS FARGO BANK, N.A.
MAC X2303-01A
1 HOME CAMPUS
DES MOINES, IA 50328-0001

Wells Fargo Bank, N.A.
Central Bankruptcy Dept.
P.O. Box 13765
Roanoke, VA 24037-3765

eCAST Settlement Corporation
c/o Bass & Associates, P.C.
3936 E. Ft. Lowell Rd, Suite 200
Tucson, AZ 85712-1083

eCAST Settlement Corporation
c/o Bass & Associates, P.C.
3936 E Ft. Lowell, Suite 200
Tucson, AZ 85712-1083

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

AMERICAN HONDA FINANCE CORPORATION
NATIONAL BANKRUPTCY CENTER
P.O. BOX 168088
IRVING, TX 75016-8088

(d) American Honda Finance Corp.
P.O. Box 1027
Alpharetta, GA 30009-1027

BB&T
P.O. Box 1847
Wilson, NC 27894-1847

Georgia Dept. of Revenue
Bankruptcy Section
1800 Century Blvd., NE, Suite 17200
Atlanta, GA 30345

Internal Revenue Service
P.O. Box 249
Memphis, TN 38101

Portfolio Recovery Associates, LLC
POB 41067
Norfolk VA 23541

(d) Portfolio Recovery Associates, LLC
POB 41067
Norfolk VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d) Capital One, N.A.
Bass & Associates, P.C.
3936 E. Ft. Lowell Rd., Suite 200
Tucson, AZ 85712-1083

End of Label Matrix		
Mailable recipients	54	
Bypassed recipients	1	
Total	55	